

REMARKS

In the Restriction Requirement mailed on December 18, 2002, the Examiner grouped the claims into five groups, as follows:

- Group I: Claims 1-59 and 84, drawn to a method for producing a nucleotide incorporating enzyme that incorporates a non-natural or rare nucleotide analogue;
- Group II: Claims 60-73 and 85, drawn to a method for producing a nucleotide incorporating enzyme with increased tolerance to biological impurities;
- Group III: Claims 74-81, drawn to a nucleotide incorporating enzyme variant and kit;
- Group IV: Claims 82-83, drawn to an integrated system comprising a non-natural nucleotide analogue, a nucleotide incorporating enzyme variant and a detector; and
- Group V: Claims 86-87, drawn to a method for identifying a nucleotide incorporating enzyme with a desired property.

Applicants hereby elect the inventions specified in Group III, without traverse.

With regards to the Group III claims, the Examiner has requested a further election of species and subspecies. In response, Applicants hereby elect the following species and subspecies:

- Species C, a nucleotide analogue which is a nucleotide comprising a fluorescent label;
- Species F, a nucleotide incorporating enzyme which is a nucleic acid polymerase;
- Subspecies F-2, a nucleic acid polymerase which is an RNA dependent DNA polymerase;
- Species K, identifying a nucleotide incorporating enzyme variant by fluorescent spectroscopy; and
- Species KK, a desired property which is tolerance to impurities.

Applicants respectfully request entry of the amendments provided herein prior to examination. Claims 1-73, 75, 80, and 82-87 have been canceled without prejudice to further prosecution in one or more related continuation or divisional applications, claims 74 and 81 have been amended, and claims 88-103 have been added. Upon entry of this Preliminary Amendment, claims 74, 76-79, 81, and 88-103 are pending. Claims 74, 76-79, 81, and 88-103 are readable on the elected species and subspecies.


The amendment to claim 74 and new claim 95 substantially incorporate the limitations from the claims from which original claim 74 depended. Claim 81 has been amended to change its dependency and to delete redundant limitations. Claims 88-94, and 96-103 have been added to claim certain specific embodiments of the invention. It is respectfully submitted that the new claims and claim amendments are fully supported by the specification and original claims. Accordingly, no new matter has been introduced by the new claims and claim amendments.

Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set forth below. The Commissioner is hereby authorized to charge any deficiency in fees or credit any overpayment to Deposit Account No. 50-0990.

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